Office of the Schools Adjudicator

Determination

Case references:	**VAR2811 and VAR2812**
Admission Authority:	**The governing body of St. Day and Carharrack Community School**
Local Authority:	**Cornwall Council**
Date of decision:	**25 November 2026**

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body for St. Day and Carharrack Community School for 2026/27 and 2027/28.

I determine that the published admission number in 2026/27 will be 15.

I determine that the published admission number in 2027/28 will be 15.

The referral

1. The governing body of St. Day and Carharrack Community School (the School) has referred to the adjudicator a proposal for variations to its admission arrangements for both 2026/27 and 2027/28 (the Arrangements).

2. The School, notwithstanding its title, is a foundation school for children aged four to eleven years old. It is a co-educational non-selective school with no designated religious character. The School is located in the village of St Day near Redruth in Cornwall.

3. The admission authority for the School is the governing body (the Admission Authority).

4. Parties to the request are the School and Cornwall Council (the LA).

5. The proposed variations are that the published admission number (PAN) for the School be reduced from 30 to 15 for the admission years 2026/27 and 2027/28.

6. The School site, as detailed below, is one which hosts an Area Resource Base (ARB) for students with education, health and care plans. The request is to vary the arrangements for admissions only to the School itself, which may be the named place of education of some of such students. Other children may have "Oasis Dowr (ARB)" as the named place of education. In both cases, these children are admitted under the SEN Code of Practice and the Children Act, and do not form part of the normal admissions round. Those whose education, health and care plans name the ARB are not within the Published Admission Number for the School. However, the likely presence of such students in the School's four standard classes and two parallel ARB classes is a relevant context when considering the appropriate PAN for the School. This is because children move interchangeably between the School classes and parallel ARB provision.

Jurisdiction and procedure

7. Section 88E of the School Standards and Framework Act 1998 (the Act) makes provision for variations to determined arrangements. Paragraphs 3.6 and 3.7 of the School Admissions Code (the Code) say (insofar as is relevant here):

> "3.6 Once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances. Such proposals **must** be referred to the Schools Adjudicator for approval, and the appropriate bodies notified. Where the local authority is the admission authority for a community or voluntary controlled school, it **must** consult the governing body of the school before making any reference.
>
> 3.7 Admission authorities **must** notify the appropriate bodies of all variations".

8. The Arrangements for 2026/27 were determined by the governing body on 25 September 2024.

9. The Arrangements for 2027/28 were determined by the governing body on 17 September 2025.

10. The governing body has provided me with confirmation that the appropriate bodies have been notified on 30 September 2026 of both of the proposed variations in line with the Code.

11. I find that the appropriate procedures were followed, and I am satisfied that the proposed variations are within my jurisdiction.

12. In considering the variations requested I have had regard to all relevant legislation and the Code.

13. The information I have considered in reaching my decision includes:

- the referral from the governing body dated 11 September 2026 and supporting documents;
- the determined Arrangements for 2026/27 and 2027/28 and the proposed variations to those Arrangements;
- responses from the LA, and the School to my requests for further information;
- maps, including Google Maps and those showing the location of the School; and
- information available on the websites of .gov.uk. (including the 'Get Information About Schools' (GIAS) [and 'Financial Benchmarking and Insights Tool' (FBIT)] websites), the LA, and the School.

14. I would like to extend my thanks to the LA and the School for their responses to my requests for further information.

15. I have been provided with a substantial amount of information / data by the LA and the School. I have referred only to that which has a bearing on my determination.

16. There is no formal consultation required for a variation and so parents and others do not have the opportunity to express their views. Clearly, it is desirable that changes to arrangements are made via the process of determination following consultation as the consultation process allows those with an interest to express their views. It also allows for objections to the adjudicator. None of this is afforded by the variation process.

17. I note here that the admission arrangements for 2028/29 have not yet been determined. This means that if I decide to approve the proposed variation to the Arrangements for 2027/28 by reducing the PAN as proposed, the revised figure will form the 'baseline' PAN for subsequent years.

Consideration of proposed variations

18. Paragraph 3.6 of the Code (as above) requires that admission arrangements, once determined, may only be revised, that is changed or varied, if there is a major change of circumstance or certain other limited and specified circumstances. I will consider below whether the proposed variations are justified by the change in circumstances.

19. Once places have been allocated to any child with an educational, health and care (EHC) plan naming the School the following oversubscription criteria are listed both 2026/27 and 2027/28:

a) Children in care or previously in care.

b) Children living in the designated area of the School whose parents can confirm will still reside in that area in the September when they join the School.

c) Children with a referenced need to be admitted to the School above any other, provided by a relevant professional.

d) Children with a sibling on roll at the School.

e) Children of members of staff.

f) Other children.

The term “designated area” for the School is defined in the Arrangements as its catchment area, a form of oversubscription criteria allowed by the Code.

Criteria c to f are used as a tiebreaker if there are more children admittable under criterion b than there are places available. Following allocating places to all criterion b applicants, the criteria are then used in their own right to rank remaining applicants.

20. The governing body has proposed that its PAN be reduced from 30 to 15 for **both** 2067/27 and 2027/28.

21. The School has told me that the reason for it seeking the variations is for the School to continue to provide sufficiency of Reception places to its likely body of applicants, while safeguarding provision on site for its development of a specialist educational setting for children with EHC plans.

22. The LA uses ARBs attached to schools to ensure that children with high-level special educational needs can access quality tuition and support at the same time as benefitting from the facilities and provision of a normal primary school. There are 15 primary schools with ARBs in Cornwall at this time.

23. The ARB at the School will, in due course, have a capacity for 24 children from September 2027. Admissions to the ARB are not part of the PAN and follow a different admissions process because the children will have an EHC plan which names the ARB. The LA does not expect that the existence of the ARB will prevent the admission of local children. The decision whether or not to designate the School as the required placement for a child with an education, health and care plan is in the hands of the LA special educational needs team and the family of the child. The LA has stated that the designation of the School as having an ARB is also not expected to have a material impact on the area from which children are placed at the School. The LA expects that children with EHC plans resident in the School catchment and from the area to the south and east of Redruth will be likely to be allocated a place.

24. The closest alternative primary school with an ARB is Penryn Primary Academy which is 11.2 km from the School. Other nearby schools with an ARB are 11.7 km and 14 km from the School. Children with high level special educational needs living more than six or seven km from the School therefore have similar alternative provision.

25. Limiting factors in the School's ability to continue to admit up to a PAN of 30 are:

- A current and predicted low demand for places in Reception in the local area. The School and LA expect this to extend beyond 2030.
- A tendency of families in the School's catchment area to prefer schools outside that area. The School suggests that 70 per cent of children resident in the catchment area make this choice.
- The limited classroom capacity for children needing provision at the School within the normal range of needs of children without an EHC plan. The Department for Education has assessed that the School's net capacity for such children is between 105 and 120 students. This follows two classrooms being taken out of the main School's use to house the ARB. Prior to this change the net capacity of the School was assessed as being between 157 and 180 children.

26. To the School, the two variations are linked and related. There are 16 pupils in the current Reception admitted in September 2026. By setting the PAN at 15, the School would not have to admit any more children during 2026/27 and if a child were to leave, the number of pupils would be 15. Setting the PAN at 15 for both year groups makes it more likely that the School could provide one class for Reception and year 1 for 2027/28.

27. Should the governing body wish to determine a PAN of 15 for 2028/29 onwards, it would be able to set this without consultation, so long as the PAN reduction for 2027/28 has been agreed.

28. The LA has worked with the School to develop the request for the proposed variation. The LA has stated that it:

> "very much supports this request from the school. St Day & Carharrack is opening a new Area Resource Base (ARB) providing specialist provision for certain children with EHC plans in 2026/27, which has removed two classrooms from use within the school, leaving the school just five classrooms to use.
>
> Further expansion of the ARB will remove another classroom within the next 12 months, leaving the school with just 4 classrooms. It is therefore imperative that the school's PAN is reduced from 30 to 15 now, to ensure incoming Reception cohorts align with the effective new capacity of the school (105).
>
> Without this change, sudden significant changes in parental choice over the next 24 months could see the school end up with 60 children across Reception and Year 1 by Summer 2028, leaving the school with inadequate space to accommodate all children and leaving the LA in a position to have to provide temporary accommodation on the school site to ensure children at the school have adequate teaching space, whilst at the same time other nearby schools would see their pupil numbers and Reception intakes fall. This would be an extremely inefficient use of public resources – these PAN variations, whilst seemingly minimal for the next two

years, ensure that the school operates as intended, allowing its new ARB to grow and allowing its other pupil numbers to remain in line with a capacity of 105."

29. The LA has a duty to ensure that there are sufficient school places for the children in its area. To fulfil this duty the LA assesses the likely number of places to be needed and plans to meet that need. The LA uses admission planning areas, which are geographical areas and the schools within those areas, for this purpose.

30. In this case the School is allocated by the LA to an admissions planning area with two other schools, Lanner Primary School and Pencoys Primary School. Each of the schools in the planning area has a PAN of 30, so the sum of the PANs is 90.

31. The LA has provided the following data on recent and expected need for Reception places in this admissions planning area. This includes expected admission of children with education, health and care plans which name the School.

Table 1: Recent and predicted Reception intake data for the admissions planning area of the School, LA data

School	2024 Intake to Reception	2025 Intake to Reception	2026 Intake to Reception	2027 Expected Reception intake	2028 Expected Reception intake
St Day & Carharrack Community School	12	11	16	11	15
Lanner Primary School	29	23	30	25	23
Pencoys Primary School	11	19	18	28	17
Total	52	53	64	64	55
Vacant places available in Reception over current total PAN of 90	38	37	26	26	35

32. Table 1 indicates that the School has historically admitted well below its PAN of 30 children. The 16 children admitted in 2026 is unusually high, with a predicted reversion to lower numbers in 2027. Table 1 also shows that should a child not be allocated a place in 2026/27 with the School PAN revised to 15, there would still be a place in the admissions planning area for that child, at Pencoys Primary School. This is true in both the admissions years in the request for revision. In 2027/28 the forecast is that there would be available places in both of the other schools in the admissions planning area.

33. The School has identified other local schools which are closer in distance than Pencoys Primary School. These are Chasewater Community Primary School, Cusgarne

Community Primary School, Treleigh Community Primary School, and Pennoweth Primary School.

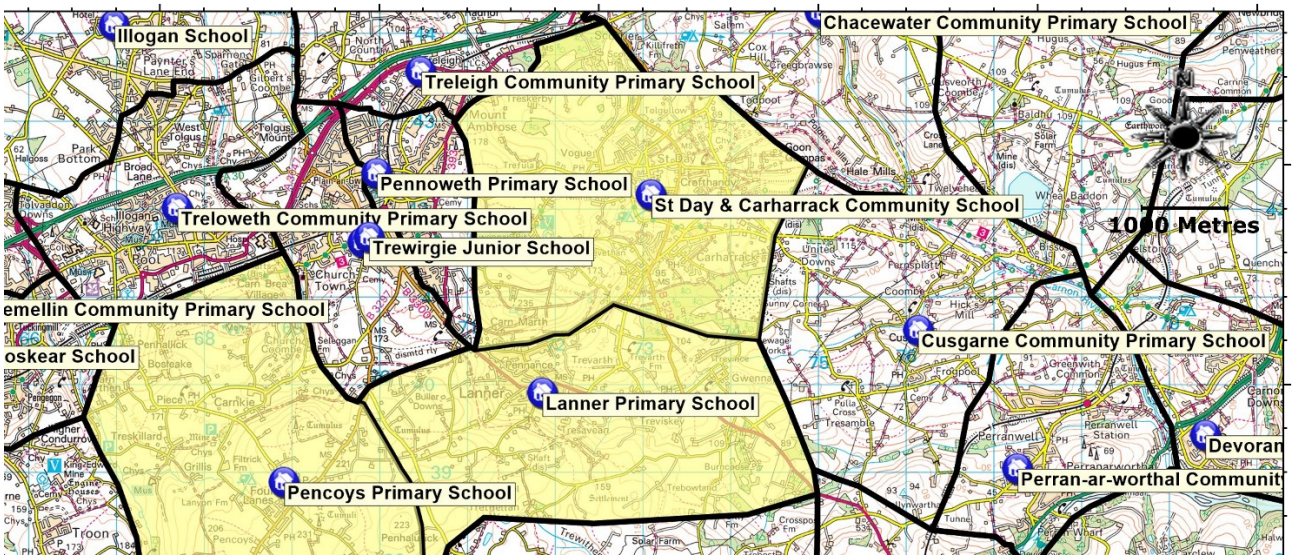
Table 2: Recent and forecast need for places in Reception classes in schools near the School but outside its admissions planning area, LA data.

School	Distance from St Day and Carharrack	PAN	2024	2025	2026	Forecast 2027	Forecast 2028	Forecast 2029
Pennoweth Primary School	3.12 km west	60	45	41	47	51	41	44
Treleigh Community Primary School	3.05 km west	45	45	45	44	45	40	43
Chacewater Community Primary School	2.97 km northeast	30	30	30	21	22	20	26
Cusgarne Community Primary School	3.55 km east	14	4	7	4	4	2	3
TOTAL admissions or predicted admissions need.	**N/A**	**135**	**120**	**116**	**112**	**118**	**101**	**113**
Vacant places available in Reception over current PAN	**N/A**	**N/A**	**15**	**19**	**23**	**17**	**34**	**22**

34. Table 2 suggests that beyond the admissions planning area there has been and will continue to be a surplus of Reception places. Treleigh Community Primary School has admitted up to its PAN, but that school and three others are expected to have surplus capacity in the future. Regardless of the distance of their residence from the School, an applicant would be able to access a Reception place in a suitable school close to them if the PAN at the School is reduced.

35. It should be noted that children living to the south of the School would be able to be admitted to Lanner Primary School, in the same admissions planning area. The LA has provided this map of the area:

Map 1: Primary and junior schools in the vicinity of the School, with the admissions planning area shaded in yellow.



36. There remains one potential conflict for the School to manage through 2026 to 2028 if the variations are agreed. The School has already admitted 16 children to Reception in 2026. These children are in a mixed aged class which is of 30 or fewer children, as required by The School Admissions (Infant Class Sizes) (England) Regulations 2012 and in paragraph 2.16 of the Code. If the variations are agreed, the PAN for 2027/28 will be set at 15. If there are still 16 children in the Reception cohort which completes that year in July 2027, the School would be unable to combine those children with an admission intake of 15 in September 2027 in a single class, unless one of the exceptions to infant class size regulations apply..

37. This may not preclude agreeing to the variations. However, it would be for the School to act lawfully and properly to ensure it meets its legal obligations. For instance, this could entail not replacing a child who leaves Reception year in 2026/27 so that the number of Reception-aged children falls to 15 or reorganising the way mixed age classes through the School operate.

38. In 2027/28, the School will need to be equally alert to the need to comply with both admissions and Special Educational Needs law. They will be assisted by children admitted on the basis of an EHC plan being admittable to classes containing children of Reception, Year 1, and Year 2 age even if they make the class number higher than thirty. Moreover, the provision of four core classes with two ARB classes in parallel would enable school leaders to move children between classes to ensure needs are met.

39. I have tried to ensure that I have considered the competing needs of providing the school places that parents want for their children and the educational viability of the School. In this case neither the School nor the LA have made a case for this variation based on efficiency of finance. The creation of the ARB and its placement on the site of the School have helped to counteract detriment which would have resulted from the local short fall in the need for Reception places.

40. Overall, the LA and School have presented a compelling argument for the variations proposed. This is that the change is needed urgently to address the site consequences of the creation of the ARB to meet both the needs of the local community and of children with EHC plans naming the School.

41. There is no evidence that families in the area will face significant disadvantage should the requested variations be agreed. The capacity of the ARB and communications from the School suggests a likely intake of up to three or four children with EHC plans naming the ARB or the School in each Reception intake. The intake for 2026 has already been enrolled, with local needs met. If agreed for the remainder of 2026 to 2027 the School will be unable to admit additional children to Reception except through an EHC plan. However, reasonable alternative places are available in the nearby area, both in the admissions planning area and elsewhere.

42. The expected need for places at the School in 2027/28 is eleven places. With a revised PAN set at 15, there would therefore be capacity to admit all likely local applicants, both those with and without an EHC plan. The LA is well aware of the limits of the ARB capacity and has expressed commitment to work within it. This will ensure local needs continue to be met in 2027/28.

43. For subsequent years, the School and LA will need to provide clarity for all parties and stakeholders as to how places are allocated, for both the School and ARB, and for children with and without an EHC plan. The School has stated to me that “Oasis Dowr (ARB) operates as a separately funded resource provision, with funding provided directly by the County Council rather than through the school's budget. Children with education, health and care plans (EHC plans) are placed in the provision by the County Council, and the school manages the day-to-day running of the provision. We confirm that children with education, health and care plans that name the school are admitted first, before the PAN is applied to other applicants. The PAN then applies to all remaining places.” It remains unclear to me if those children attending the ARB are included within the PAN as the unit is a separate special educational needs provision and the children attending it do not have to be included within the PAN. Clarity on these issues is important to transparency of the processes.

44. The LA has provided compelling evidence that it will be able to manage school places in the admissions planning area in both 2026/27 and 2027/28 if the School PAN is reduced as requested.

45. I, therefore, agree to the requested variations to admission arrangements for the School for both 2026/27 and 2027/28.

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the proposed variations to the admission arrangements determined by the governing body for St. Day and Carharrack Community School for 2026/27 and 2027/28.

I determine that the published admission number in 2026/27 will be 15.

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Dated: 25 November 2026

Signed:

Schools Adjudicator: Paddy Storrie